IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 390 OF 2007
IN
WRIT PETITION NO. 703 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 22, 2007.

Heard Shri Deshpande, learned counsel for the petitioners and Shri Kaslikar, learned counsel for the respondent – applicant.

The application is for permission to withdraw the amount of Rs.2,29,778/- deposited by the petitioners without prejudice to the rights of Respondent No.1.

Shri Deshpande, learned counsel states that the entitlement of Respondent No. 1 is in dispute. He further argues that amount to be paid to Respondent No.1 is also deposited by Respondent No.1. He, therefore, contends that such a request for withdrawal cannot be entertained.

After hearing, it transpires that the

salary is for the period for which Respondent No.1 has admittedly worked. It is no doubt true that Respondent No.1 is seeking more amount on account of said work. However, that by itself does not disentitle him to withdraw the amount deposited. The dispute about difference of amount deposited can be considered while deciding application No.389 of 2007 moved by Respondent No.1 for that purpose. Civil Application No. 390 of 2007 is allowed. Respondent No.1 is permitted to withdraw the amount deposited by the petitioners subject to furnishing security to the satisfaction of the Registrar (Judicial) of this Court.

JUDGE

*GS.